

Debtor Lisa Anne Racca

United States Bankruptcy Court for the

MIDDLE DISTRICT OF TENNESSEE

[Bankruptcy district]

☐ Check if this is an amended plan

Case number: \_\_\_\_\_

## Chapter 13 Plan

### Part 1: Notices

**To Debtor(s):** This form sets out options that are appropriate in some cases but not in others. The presence of an option does not indicate that the option is appropriate in your circumstances.

**To Creditors:** Your rights are affected by this plan. Your claim may be reduced, modified, or eliminated.

If you oppose the treatment of your claim or any provision of this plan, you or your attorney must file an objection to confirmation at least 5 days before the meeting of creditors or raise an objection on the record at the meeting of creditors. The Bankruptcy Court may confirm this plan without further notice if no timely objection to confirmation is made. In addition, a timely proof of claim must be filed before your claim will be paid under the plan.

Debtor(s) must check one box on each line to state whether the plan includes each of the following items. If an item is not checked as "Included" or if both boxes are checked, the provision will not be effective if set out later in the plan.

1.1	A limit on the amount of a secured claim, set out in § 3.2, which may result in partial payment or no payment to the secured creditor.	<input type="checkbox"/> Included	<input checked="" type="checkbox"/> Not Included
1.2	Avoidance of a judicial lien or nonpossessory, nonpurchase-money security interest, set out in § 3.4.	<input checked="" type="checkbox"/> Included	<input type="checkbox"/> Not Included
1.3	Nonstandard provisions, set out in Part 9.	<input checked="" type="checkbox"/> Included	<input type="checkbox"/> Not Included

### Part 2: Plan Payments and Length of Plan

**2.1 Debtor(s) will make payments to the trustee as follows:**

Payments made by	Amount of each payment	Frequency of payments	Duration of payments	Method of payment
<input checked="" type="checkbox"/> Debtor 1	\$300.00	Weekly	60 months	<input type="checkbox"/> Debtor will make payment directly to trustee
<input type="checkbox"/> Debtor 2				<input checked="" type="checkbox"/> Debtor consents to payroll deduction from: WestRock Services, Inc

Insert additional lines as needed.

**2.2 Income tax refunds.**

Check one.

- ☒ Debtor(s) will retain any income tax refunds received during the plan term.
- ☐ Debtor(s) will supply the trustee with a copy of each income tax return filed during the plan term within 14 days of filing the return and will turn over to the trustee all income tax refunds received during the plan term.
- ☐ Debtor(s) will treat income refunds as follows:

**2.3 Additional payments.**

Check one.

- ☒ **None.** If "None" is checked, the rest of § 2.3 need not be completed or reproduced.

**2.4 The total amount of estimated payments to the trustee provided for in §§ 2.1 and 2.3 is \$77,940.00.**

### Part 3: Treatment of Secured Claims

**3.1 Maintenance of payments and cure of default.** Check one.

- ☐ **None.** If "None" is checked, the rest of § 3.1 need not be completed or reproduced.
- ☒ Installment payments on the secured claims listed below will be maintained, and any arrearage through the month of

confirmation will be paid in full as stated below. Both the installment payments and the amounts to cure the arrearage will be disbursed by the trustee.

Amounts stated on a proof of claim filed in accordance with the Bankruptcy Rules control over any contrary amounts listed below as to the current installment payment and arrearage. After confirmation of the plan, the trustee shall adjust the installment payments below in accordance with any such proof of claim and any Notice of Mortgage Payment Change filed under Rule 3002.1. The trustee shall adjust the plan payment in Part 2 in accordance with any adjustment to an installment payment and shall file a notice of the adjustment and deliver a copy to the debtor, the debtor's attorney, the creditor, and the U.S. Trustee, but if an adjustment is less than \$25 per month, the trustee shall have the discretion to adjust only the installment payment without adjusting the payments under Part 2. The trustee is further authorized to pay any postpetition fee, expense, or charge, notice of which is filed under Bankruptcy Rule 3002.1 and as to which no objection is raised, at the same disbursement level as the arrearage.

Confirmation of this Plan imposes on any claim holder listed below the obligation to:

- Apply arrearage payments received from the trustee only to such arrearages.
- Treat the obligation as current at confirmation such that future payments, if made pursuant to the plan, shall not be subject to late fees, penalties, or other charges.

If relief from the automatic stay is ordered as to any collateral listed below, all payments under this section to creditors secured by that collateral will cease.

Name of Creditor	Collateral	Current installment payment (including escrow)	Amount of arrearage, if any	Interest rate on arrearage (if applicable)	Monthly payment on arrearage, if any
Bank of America Home Loans	768 Autumn Ridge Lane Columbia, TN 38401 Maury County	\$90.00 (4)	Prepetition: \$4,320.00 Gap payments: \$90.00 pd pro rata (6) Last month in gap: March, 2018	0.00%	Pro Rata (6)
Ditech	768 Autumn Ridge Lane Columbia, TN 38401 Maury County	\$626.00 (4)	Prepetition: \$19,211.00 Gap payments: \$626.00 pd pro rata (6) Last month in gap: March, 2018	0.00%	Pro Rata (6)
Ascend Federal Credit Union		Lien Strip	N/A		N/A

Insert additional claims as needed.

### 3.2 Request for valuation of security and claim modification. Check one.

☒ **None.** If "None" is checked, the rest of § 3.2 need not be completed or reproduced.

### 3.3 Secured claims excluded from 11 U.S.C. § 506. Check one.

☒ **None.** If "None" is checked, the rest of § 3.3 need not be completed or reproduced.

### 3.4 Lien avoidance. Check one.

☐ **None.** If "None" is checked, the rest of § 3.4 need not be completed or reproduced.  
**The remainder of this section will be effective only if the applicable box in § 1.2 is checked**

☒ The judicial liens or nonpossessory, nonpurchase money security interests listed below impair exemptions to which the debtor(s) would be entitled under 11 U.S.C. § 522(b). The judicial liens or security interests listed below will be avoided to the extent they impair exemptions upon entry of the order confirming the plan. The amount of the judicial lien or security interest that is avoided will be treated as an unsecured claim under § 5.1. The amount, if any, of the judicial lien or security interest that is not avoided will be paid in full as a secured claim under the plan.

Information regarding judicial lien or security interest	Calculation of lien avoidance	Treatment of remaining secured claim
	a. Amount of lien	
Name of Creditor	\$9,014.00	Amount of secured claim after avoidance (line a minus line f)

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Information regarding judicial lien or security interest	Calculation of lien avoidance	Treatment of remaining secured claim
Ascend Federal Credit Union	b. Amount of all other liens	\$129,397.00
	c. Value of claimed exemptions	\$0.00
<b>Collateral</b> Home and lot located at 768 Autumn Ridge Lane, Columbia, TN 38401 - Maury County	d. Total of adding lines a, b, and c	\$138,411.00
		Interest rate (if applicable) 0.00 %
<b>Lien identification</b> (such as judgment date, date of lien recording, book and page number) Judgment Lien, Void Lien - Maury County Book R2464 Pg 1306-1307 11/13/17	e. Value of debtor's interest in property	-\$108,100.00
	f. Subtract line e from line d.	-\$30,311.00
	Extent of exemption impairment (Check applicable box)	
	<input checked="" type="checkbox"/> <b>Line f is equal to or greater than line a.</b>	Estimated total payments on secured claim
	The entire lien is avoided (Do not complete the next column)	
	<input type="checkbox"/> <b>Line f is less than line a.</b>	
	A portion of the lien is avoided. (Complete the next column)	

Insert additional claims as needed.

**3.5 Surrender of collateral.** Check one.☒ **None.** If "None" is checked, the rest of § 3.5 need not be completed or reproduced.**Part 4: Treatment of Priority Claims (including Attorney's Fees and Domestic Support Obligations)****4.1 Attorney's fees.**The balance of the fees owed to the attorney for the debtor(s) is estimated to be \$4,000.00. The remaining fees and any additional fees that may be awarded shall be paid through the trustee as specified below. Check one.☒ The attorney for the debtor(s) shall receive a monthly payment of \$400.00.☐ The attorney for the debtor(s) shall receive available funds.**4.2 Domestic support obligations.****(a) Pre- and postpetition domestic support obligations to be paid in full.** Check one.☒ **None.** If "None" is checked, the rest of § 4.2(a) need not be completed or reproduced.**(b) Domestic support obligations assigned or owed to a governmental unit and paid less than full amount.** Check one.☒ **None.** If "None" is checked, the rest of § 4.2(b) need not be completed or reproduced.**4.3 Other priority claims.** Check one.☐ **None.** If "None" is checked, the rest of § 4.3 need not be completed or reproduced.☒ The priority claims listed below will be paid in full through the trustee. Amounts stated on a proof of claim filed in accordance with the Bankruptcy Rules control over any contrary amounts listed below.

Name of Creditor	Estimated amount of claim to be paid
Tennessee Department of Revenue (7)	\$128.00

Insert additional claims as needed.

**Part 5: Treatment of Nonpriority Unsecured Claims and Postpetition Claims****5.1 Nonpriority unsecured claims not separately classified.**

Allowed nonpriority unsecured claims that are not separately classified will be paid, pro rata. If more than one option is checked, the option providing the largest payment will be effective. Check all that apply.

- ☐ The sum of \$
- ☒ 20.00 % of the total amount of these claims.
- ☐ The funds remaining after disbursements have been made to all other creditors provided for in this plan.

**5.2 Interest on allowed nonpriority unsecured claims not separately classified. Check one.**

- ☒ **None.** If "None" is checked, the rest of § 5.2 need not be completed or reproduced.

**5.3 Maintenance of payments and cure of any default on nonpriority unsecured claims. Check one.**

- ☒ **None.** If "None" is checked, the rest of § 5.3 need not be completed or reproduced.

**5.4 Separately classified nonpriority unsecured claims. Check one.**

- ☒ **None.** If "None" is checked, the rest of § 5.4 need not be completed or reproduced.

**5.5 Postpetition claims allowed under 11 U.S.C. § 1305.**

Claims allowed under 11 U.S.C. § 1305 will be paid in full through the trustee.

**Part 6: Executory Contracts and Unexpired Leases**

**6.1 The executory contracts and unexpired leases listed below are assumed and will be treated as specified. All other executory contracts and unexpired leases are rejected. Check one.**

- ☒ **None.** If "None" is checked, the rest of § 6.1 need not be completed or reproduced.

**Part 7: Order of Distribution of Available Funds by Trustee**

**7.1 The trustee will make monthly disbursements of available funds in the order specified. Check one.**

☐ **Regular order of distribution:**

- a. Filing fees paid through the trustee
- b. Current monthly payments on domestic support obligations
- c. Other fixed monthly payments

If available funds in any month are not sufficient to disburse all fixed monthly payments due under the plan, the trustee will allocate available funds in the order specified below or pro rata if no order is specified. If available funds in any month are not sufficient to disburse any current installment payment due under § 3.1, the trustee will withhold the partial payment amount and treat the amount as available funds in the following month.

*Insert additional lines as needed.*

- d. Disbursements without fixed monthly payments, except under §§ 5.1 and 5.5

The trustee will make these disbursements in the order specified below or pro rata if no order is specified.

*Insert additional lines as needed.*

- e. Disbursements to nonpriority unsecured claims not separately classified (§ 5.1)
- f. Disbursements to claims allowed under § 1305 (§ 5.5)

☒ **Alternative order of distribution:**

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1. Filing Fees
2. Notice Fees
3. Attorney Fees
4. Continuing Mortgage Payment
5. Secured Claims
6. Mortgage Arrearage Claims
7. General Unsecured Claims
8. Post Petition claims allowed pursuant to 11 U.S.C. § 1305

*Insert additional lines as needed.*

**Part 8: Vesting of Property of the Estate**

**8.1 Property of the estate will vest in the debtor(s) upon discharge or closing of the case, whichever occurs earlier, unless an alternative vesting date is selected below. Check the applicable box to select an alternative vesting date:**

*Check the applicable box:*

- ☐ plan confirmation.  
☒ other: Discharge

**Part 9: Nonstandard Plan Provisions**

- ☐ **None.** If "None" is checked, the rest of § 6.1 need not be completed or reproduced.

Post Petition claims allowed pursuant to 11 U.S.C. § 1305 shall be paid in full but subordinate to the payment of unsecured claims as provided in paragraph 3 of the confirmation order.

Part 4.3 - Additional Provisions -Provisions related to payment of priority administrative claim for fees payable to the attorney for the debtor(s).

The attorney for the Debtor(s) shall be paid \$4,000.00 as follows \$400.00 per month with secured claim distributions. Debtor's Counsel moves the Court for an Order requiring disbursement of funds on hand with the Chapter 13 Trustee on the date of first disbursement after confirmation of the plan to pay the attorney fee claim to the extent those funds exceed the amount needed to pay ongoing domestic support obligations, adequate protection payments on secured claims, the filing fee, and trustee allowed commissions, and the first monthly payment to other creditors due under the plan. Debtor's Counsel requests a one time payment at confirmation of the plan equal to the amount of the allowed fee claim.

Part 3.1 - Provisions Relating to Claims Secured by Real Property Treated Pursuant to § 1322(b)(5). 1. Apply the payments received from the Trustee on pre confirmation arrearages only to such arrearages. For the purposes of this Plan, the "pre confirmation" arrears shall include all sums included in the allowed proof of claim plus any post petition pre confirmation payments due under the underlying mortgage obligation not specified in the allowed proof of claim. Monthly on going mortgage payments shall be paid by the trustee commencing with the later of the month of confirmation or the month in which a proof of claim itemizing the arrears is filed by such claim holder.

2. Treat the mortgage obligations current at confirmation such that future payments, if made pursuant to the plan, shall not be subject to late fees, penalties or other charges.

3. The trustee may adjust the post confirmation regular payments noted in Part 3.1 and payments to the plan in Part 2 in accordance with a Notice of Mortgage Payment Change filed under Bankruptcy Rule 3002.1 upon filing a notice of such adjustment with the court and delivering a copy to the debtor, the debtor's attorney, the creditor, and the U.S. Trustee.

**Part 10: Signatures:**

X /s/ J. Robert Harlan

Date \_\_\_\_\_

J. Robert Harlan

**Signature of Attorney for Debtor(s)**

Debtor Lisa Anne Racca Case number \_\_\_\_\_

X \_\_\_\_\_ Date \_\_\_\_\_  
Lisa Anne Racca

X \_\_\_\_\_ Date \_\_\_\_\_

**Signature(s) of Debtor(s) (required if not represented by an attorney; otherwise optional)**

**By filing this document, the Attorney for Debtor(s) or Debtor(s) themselves, if not represented by an attorney, also certify(ies) that the wording and order of the provisions in this Chapter 13 plan are identical to those contained in the form required under the Local Rules for the Bankruptcy Court for the Middle District of Tennessee, other than any nonstandard provisions included in Part 9.**